

Statement from the Scottish Human Rights Commission

United Nations Human Rights Committee 140th Session

Oral statement delivered at the UN Human Rights Committee in Geneva for the 8th examination of the United Kingdom of Great Britain and Northern Ireland under the International Covenant on Civil and Political Rights

11th March 2024

Introduction

Thank you to the Committee for this opportunity to highlight the perspective of the Scottish Human Rights Commission.

Our [full written submission](#) notes a number of deeply held concerns for the protection of civil and political rights in Scotland.

Regression of human rights protections

This examination takes place in a contentious environment for the protection of human rights in the UK. We welcome that the UK Government will not pursue its unnecessary and regressive plans to reform the Human Rights Act. However, the restriction of the human rights framework in other legislation, particularly the Illegal Migration Act and Safety of Rwanda Bill is incompatible with the State's obligations.

The legislation conflicts with a number of essential devolved obligations to support individuals, including the recently passed UNCRC (Scotland) Act 2024, as well as the obligations under the Scotland Act to act compatibly with the European Convention on Human Rights.

We also focus our report on areas where the Scottish Government has the primary responsibility to act.

Conditions in Scottish prisons

The Commission is deeply concerned about the slow rate of implementation of outstanding recommendations from treaty bodies and domestic accountability bodies concerning Scottish prisons and places of detention.

The Scottish prison estate includes outdated facilities which are not fit for purpose. More than half of prisons in Scotland currently operate at more than 100 per cent capacity and more than 2000 prisoners are accommodated in shared cells with under 4 metres squared of living space per person.

Over 20 per cent of people in the Scottish prison estate are held on remand, with proportions significantly higher in the female population and young offenders institutions.

The lack of access to appropriate mental health support in prison settings and practices such as the use of segregation continue to be of huge concern after many years of being raised by a number of bodies in Scotland and internationally.

An [Independent Review of the Response to Deaths in Prison Custody](#) was published in 2021, co-chaired by the Scottish Human Rights Commission and accepted in full by the Scottish Government. Yet just five of the Review's 27 recommendations and advisory points have been completed as of January 2024.

Scotland urgently needs to take action to implement long outstanding recommendations to improve conditions across the prison estate, and take all measures necessary to ensure that the prison estate and its management conform to international standards.

Access to justice

Scotland has a unique legal system which is a mix of common and civil law.

The Scottish Government has embarked on a programme of reforms to both criminal and civil procedure, aimed at improving access to justice. However key elements of the system which restrict the availability of justice remain to be adequately addressed.

We highlight the legal aid budget and the structure as longstanding concerns. Supply is well below demand, and in some areas of Scotland there is no civil legal aid, including for child contact, protection orders or migration cases.

The three-month time limit for judicial review also makes it extremely difficult for individuals to challenge potential human rights violations.

A Victims, Witnesses and Justice Reform (Scotland) Bill is currently being considered by the Scottish Parliament, which aims to make the system less traumatic for victims of sexual offences. However, the justice sector is extremely polarised on the proposed reforms and their potential impact on fair trial rights. Boycotts of elements such as piloting juryless trials have been suggested.

A confluence of issues are undermining individual rights to access justice across court and non-court routes. Scotland needs to examine the issues holistically.

I welcome any questions members of the Committee might have concerning our submission and this statement.

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